

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DAVID COLVIN Serial No.: 10/605,060

Filed: September 5, 2003

Confirmation No: 2059

Attorney Docket: COL402PUS

For: **METHOD FOR DIGITAL RIGHTS MANAGEMENT INCLUDING SELF ACTIVATING/SELF AUTHENTICATION SOFTWARE**

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and § 1.97-1.98, the information provided here and documents identified on the attached Form PTO/SB08A are being submitted herewith for consideration by the Examiner. This Statement is being filed in accordance with 37 C.F.R. § 1.97(b).

While this Statement is being filed in compliance with the duty of disclosure, citation of the information and documents is not to be construed as an admission that any of the information provided is "material" as defined under 37 C.F.R. § 1.56(b).

Applicant submits herewith U.S. District Court Docket sheets and Memorandum Opinion and Order, calling the Examiner's attention to litigation of related U.S. Patent Nos. 6,044,471 (claim 32) and 6,785,825 (claims 44, 131) in the Eastern District of Texas, case Nos. 6:06-cv-00142-LED, 6:06-cv-00258-LED, 6:06-cv-00335-LED. In this litigation, defendants alleged that the '471 and '825 patents were invalid/unenforceable due to prior art, inventorship, and inequitable conduct including failure to disclose material prior art during prosecution. As described by the Court in the Memorandum Opinion and Order, the jury and the Court did not find sufficient evidence to support any of these allegations.

To avoid inundating the Examiner with documents to consider, most of which may be irrelevant, and in light of the favorable findings of the jury and Court, Applicant has not provided the Examiner with copies of all of the documents filed in the litigation. However, Applicant will promptly provide any additional document(s) or information requested by the Examiner (not filed under seal) for consideration in this application or any related applications in determining patentability of any pending claims.

Additional litigation was initiated on 8/21/06 in the Easter District of Texas, case # 6:06-cv-00369-LED, alleging patent infringement of related U.S. Patent Nos. 6,044,471 and 6,785,825.

Docket sheets have also been provided for this case, although substantive proceedings have not yet begun.

A copy of each document listed on the attached Form PTO/SB08A is included herewith. Consideration and entry into the record of these references is respectfully requested.

Respectfully submitted,

DAVID COLVIN

By: 
DAVID S. BIR
Reg. No. 38,383
Attorney for Applicant

Date: September 20, 2006

BIR LAW, PLC
13092 Glasgow Ct.
Plymouth, MI 48170-5241
Phone: 734-927-4531
Fax: 734-468-4257